

August 2004

LICENSING REGULATIONS

5100 STATUTORY AUTHORITY

16 VSA §164(5); 16 VSA §1692; 16 VSA §1695; 16 VSA §1697; 16 VSA §1792(a); 16 VSA §1751; 16 VSA Chapter 59.

5150 Definition of Terms

For the purpose of these Licensing Regulations, unless the context otherwise clearly requires, the following definitions apply:

"Administrator" means a licensed educator, the majority of whose employed time in a school or a school district is devoted to direct responsibility for the evaluation and discipline of personnel, the development and management of the curriculum of the school, or supervision or internal management of a school system or school program, regardless of whether that person's duties also include the furnishing of direct instructional or other services to pupils.

"Approved Program(s)" means one or more educator preparation programs offered within an institution of higher education, that meets established standards according to these rules, and is approved to recommend candidates for teacher licensure by the Vermont Standards Board for Professional Educators.

"Commissioner" means the Vermont Commissioner of Education or an agent designated by the Commissioner to carry out a particular duty.

"Cooperating Educator" means an educator assigned to a student teacher or intern by a local school in order to fulfill the requirements of Section 5923 of these rules.

"Diverse learning needs" means the needs of all students including: females as well as males; members of ethnic and racial minorities as well as ethnic and racial majorities; students who are socioeconomically disadvantaged, as well as those who are more advantaged; students who have not been successful in school as well as those who have been successful; and students who have been denied access in any way to educational opportunities as well as those who have not.

"Educational Entities" means Vermont public schools, Independent Schools approved by the State Board of Education, and Recognized Schools.

"Educator" means any person who provides administrative, instructional or other educational services requiring licensure pursuant to these rules.

"Endorsement" means the grade level and field in which an educator is authorized to serve, pursuant to Rule 5440, as identified by the code numbers and legend printed on the license. A license shall bear one or more endorsements.

"Field" means an administrative or instructional area, or area of professional practice.

"Individual Professional Development Plan (IPDP)" means a plan describing the professional development goals to be pursued during a specified period of time by the individual filing such plan.

"Interdisciplinary Major" means a planned program of study, approved by the institution, which includes courses in no more than three disciplines in the liberal arts or sciences and at least 18 credit hours in one of those disciplines.

"Internship" means a graduate experience in which one is supervised by both an on-site supervisor and qualified faculty of an institution of higher education.

"IPDP" means an Individual Professional Development Plan as defined above.

"Liberal Arts and Sciences" means those academic courses of instruction intended to provide a general knowledge in the arts, humanities, sciences, and mathematics, as opposed to professional and technical subjects.

"License" means an authorization to serve as an educator granted, pursuant to these rules, to an individual by the Vermont Standards Board for Professional Educators.

"Licensing Office" means the office within the Vermont Department of Education that addresses issues of professional licensing.

"Local Standards Board (LSB)" means a board whose majority membership shall be licensed teachers and that is established and maintained pursuant to Rule 5620 for the primary purpose of recommending teachers for relicensure pursuant to these rules.

"Major" means at least thirty (30) credit hours, organized in a logical, developmental sequence, from an accredited/approved four-year institution.

"Minor" means an academic minor granted as a part of a bachelor's degree by an accredited/approved four-year institution, or a compilation of 18 credit hours in the specified minor field from an accredited/approved four-year institution. Six or more of these credit hours shall be graduate-level courses or advanced undergraduate courses.

"Practicum" means a minimum of sixty (60) clock hours of supervised field experience.

"Regional Administrator Standards Board (RSB)" means a board whose majority membership shall be licensed administrators and that is established and maintained, pursuant to Rule 5630, for the primary purpose of recommending administrators for relicensure pursuant to these rules.

"Regulation(s)" is used interchangeably with "rule(s)" throughout this document.

"Relicensure credit" means a unit of measure assigned by a local or regional standards board, or the Licensing Office, to a professional development activity that meets standards for relicensure. Fifteen (15) clock hours of professional development is equivalent to one (1) relicensure credit.

"RSB" means a regional administrator standards board as defined above.

"Rule(s)" is used interchangeably with "regulation(s)" throughout this document.

"Five Standards for Vermont Educators" means the core standards of what all educators should know and be able to do as defined in the document titled *Five Standards for Vermont Educators: A Vision for Schooling* as developed, and periodically updated, by the Vermont Standards Board for Professional Educators.

"Student teaching" means a minimum of twelve (12) consecutive weeks of supervised, concentrated field experience required for initial licensure in which the student shall gradually assume the full professional roles and responsibilities of the endorsement area sought.

"Superintendent" means the Chief Executive Officer of a school district or, if the district chooses not to employ a superintendent, it means the qualified person(s) assigned a superintendent's duties by a school board pursuant to 16 VSA § 241.

"Teacher" means any educator licensed by the Vermont Standards Board for Professional Educators who is not an administrator.

"Technical Development Plan" means a plan that sets forth how an applicant for licensure with a Trades and Industry Endorsement who has not met the requirements of Sections 5230-5235 of these rules intends to meet those requirements.

"Technical Education Mentor Program" means the program through which an applicant for a Trades and Industry endorsement may meet the requirements of Sections 5230-5235 of these rules

"Trades and Industry Endorsement(s)" means an endorsement to teach one or more of the specific trades or industries specified in Section 5445 of these rules.

"Vermont Standards Board for Professional Educators (VSBPE)" means the board appointed by the State Board of Education to carry out the purpose specified in Section 5610.2 of these rules.

5200 LICENSING REGULATIONS

5210 License Expiration

Any license issued shall expire on June 30 of the expiration year specified on the license.

5211 Grandfather Provisions and Effective Dates

5211.1 Educators licensed on the effective date of these rules shall be considered to have met all competencies of the endorsements held on that date. Beginning on July 1, 2004, unless otherwise expressly provided in the competency requirements for a specific endorsement, all educators shall address competency standards adopted on or after the effective date of these rules in their individualized professional development plans submitted for license renewal.

5211.2

5211.2.1 Educator preparation programs approved on the effective date of these rules shall ensure, pursuant to Rule 5922.9, that endorsement competencies adopted on or after the effective date of these rules are covered for each student completing those programs on or after July 1, 2006.

5211.2.2 Educator preparation institutions applying for approval of new programs after the effective date of these rules shall ensure that all general licensure competencies, specific endorsement competencies, and other licensure requirements in effect on the date of the application for program approval are covered for each student in the program.

5211.2.3 Candidates for peer review or transcript review shall be required to show competence in accord with the competency standards included in the written notification of acceptance of their credentials for review under Rule 5331 (peer review) or 5310 (transcript review).

5211.2.4 The following endorsements shall be held by educators employed in positions requiring those endorsements on or after July 1, 2004: Career and Technical Education Apprenticeship licenses (Rule 5340); Educational Technology Specialist (Rule 5445.42); Teacher of the Blind and Visually Impaired (Rule 5445.67); Teacher of the Deaf and Hard of Hearing (Rule 5445.68); Intensive Special Needs (Rule 5445.81); Retired Educators (Rule 5520).

5220 Who Needs To Be Licensed/Responsibilities for Licensure

- 5220.1 Except as set forth in rule 5510, any educator employed in a public school shall possess a valid Vermont educator license, an endorsement appropriate to the professional assignment, and any other license or credential required by these rules or the applicable endorsement, on the first day of service. The educator shall maintain the educator license, endorsement, and any other applicable license or credential throughout the period of service.
- 5220.2 Any individual who performs educational functions covered by any endorsement authorization statement in these rules, whether as an independent contractor or an employee of a school district or supervisory union, shall hold an appropriate license and endorsement.
- 5220.3 Qualified professionals or skilled people trained in a field other than education may perform educational functions without licensure providing they are supplementing the functions performed by licensed school personnel. "Supplementing" means extending or intensifying the functions performed by licensed personnel. Individuals who are supplementing educational functions shall work under the supervision of licensed educators. For purposes of this rule, "supervision" means on-site managing and responsibility for overseeing the work of the non-licensed individual. For supplemental functions performed off-campus, "supervision" means responsibility for overseeing the work of the non-licensed individual.
- 5220.4 Paraprofessionals, student teachers, and volunteers are not required to hold licenses but shall work under the on-site supervision of licensed educators.
- 5220.5 A license and/or an endorsement is not valid until it is issued in the name of the Vermont Standards Board for Professional Educators.
- 5220.6 It is the responsibility of the individual to obtain a license, an endorsement(s), and any other license or credential required by these rules or by the applicable endorsement, to attend to all renewal requirements and to seek renewal in a timely manner.
- 5220.7 It is the responsibility of the superintendent to ensure that on the first day of any assignment of duties requiring licensure under these rules, each educator has a valid license, an appropriate endorsement, and any other applicable license or credential for the educator's assigned duties, and to ensure that the license and endorsement, as well as any other applicable licenses or credentials, are maintained throughout the assignment. Failure to do so may subject the superintendent to the discipline under provisions of Section 5700 of these rules.

5221 Clerical Error, Omission or Misrepresentation

Any license or endorsement mistakenly issued by the Standards Board for Professional Educators (VSBPE) may be voided by the Commissioner without need for revocation proceedings under the following circumstances:

- a. clerical error by any party,

- b. omission of information required by the applicant, or
- c. erroneous information provided by any party.

When a license and/or endorsement is voided under this rule, the holder shall receive written notice of the action and reason therefor.

5230 General Requirements For All Applicants For Professional License

Sections 5231 through 5235 are the general requirements for all initial licenses:

- 5231 Except as otherwise noted by this section, the applicant shall hold a baccalaureate degree from a regionally accredited or state-approved institution and shall have successfully completed a major, or its equivalent, in the liberal arts and sciences, or in the content area of the endorsement sought.

An applicant for a Trades and Industry or Technical Professional endorsement, or an educator who holds a Trades and Industry or Technical Professional endorsement, need not hold a bachelor's degree or have a major in the liberal arts and sciences.

An applicant for a School Nurse endorsement shall have graduated from a nationally accredited, four-year nursing program. An applicant for an Associate School Nurse endorsement shall hold at least an RN degree from a nationally accredited nursing program. Applicants for either school nurse endorsement need not meet the requirements of Section 5235 of these rules. The School Nurse and Associate School Nurse shall meet and continue to meet any licensing regulations she/he is subject to by Vermont state law.

Applicants for Audiology and Speech Language Pathology licenses or Educational Speech Language Pathology, School Psychologist or School Social Worker endorsements need not meet the requirements of Section 5235 of these rules.

- 5232 Documentation of the specified content knowledge and performance standards and additional requirements, if any, for the endorsement(s) being sought.
- 5233 Evidence of at least twelve consecutive weeks of student teaching, or an equivalent learning experience as determined by VSBPE policy or by the requirements of the endorsement.
- 5234 Demonstrated ability to communicate effectively in speaking, writing, and other forms of creative expression and the ability to apply basic mathematical skills, critical thinking skills, and creative thinking skills.
- 5235 Demonstrated competency as specified in the following requirements:
- 5235.1 The educator has knowledge and skills in the content of his or her endorsement(s) at a level that enables students to meet or exceed the standards represented in both the Fields of Knowledge and the Vital Results of *Vermont's Framework of Standards and Learning Opportunities*.
 - 5235.2 The educator understands how individuals learn and grow and provides learning opportunities that support intellectual, physical, social, and emotional development.

- 5235.3 The educator understands how individuals and groups differ and creates equitable instructional opportunities that respond to the needs of all students.
- 5235.4 The educator understands and uses a variety of instructional strategies to provide opportunities for all students to meet or exceed the expectations in *Vermont's Framework of Standards and Learning Opportunities*.
- 5235.5 The educator creates a classroom climate that encourages respect for self and others, positive social interaction, and personal health and safety.
- 5235.6 The educator implements, adapts, revises, and, when necessary, creates curriculum based on standards, knowledge of subject matter, and student needs and interests.
- 5235.7 The educator uses multiple assessment strategies to evaluate student growth and modify instruction to ensure continuous intellectual, social, physical, and emotional development of every student.
- 5235.8 The educator integrates students with disabilities into appropriate learning situations.
- 5235.9 The educator integrates current technologies in instruction, assessment, and professional productivity.
- 5235.10 The educator understands conditions and actions which would tend to discriminate against students on the basis of sex, race, color, creed, age, sexual orientation, or national origin, and takes proactive steps to address discrimination.
- 5235.11 The educator works as a team member and establishes collaborative relationships with school colleagues, parents, and agencies and others in the broader community to support students' learning and well-being, and to implement the school's goals and articulated curriculum.
- 5235.12 The educator recognizes multiple influences on students inside and outside the school and accesses appropriate systems of support for students.
- 5235.13 The educator understands laws related to student and educator rights and responsibilities, and applies current state and federal laws and regulations as they pertain to all children, including those who are at risk and those with disabilities, and treats students and colleagues fairly and equitably.
- 5235.14 The educator grows professionally, through a variety of approaches, to improve professional practice and student learning.
- 5235.15 The educator assesses student progress in relation to standards and modifies curricula and instruction, as necessary, to improve student learning.
- 5235.16 The educator maintains useful records of student work and performance and knowledgeably, responsibly, and effectively communicates student progress in relation to standards in a manner easily understood.

- 5236 Applicants shall meet all other requirements specified by law and regulation.
- 5240 Examination Requirements For All Applicants For Professional Licenses and Additional Endorsements
- 5241 Except as otherwise provided by Rule 5247 or Rule 5436.2, all applicants for initial licensure under sections 5310, 5320, 5330, 5340, or 5345 of these rules shall be required to meet the passing scores established by the State Board of Education on the Praxis I examinations in reading, writing, and mathematics or other skills examinations selected by the State Board.
- 5242 Subject Matter Examinations in English, Mathematics, Science, Elementary Education, and Social Studies. Except as otherwise provided by Rule 5247, all applicants for initial or additional endorsements in English, Mathematics, Science, Elementary Education, or Social Studies shall be required to meet the passing scores established by the State Board on the applicable Praxis II examination or other examination selected by the State Board in the endorsement area sought.
- 5243 Subsequent Subject Matter Examinations. Except as otherwise provided by Rule 5247, beginning on October 1, 2002, all applicants for initial or additional endorsements in Middle Grades and any other endorsement areas identified thereafter by the State Board, shall be required to meet the passing score established by the State Board on the Praxis II examination or other examination selected by the State Board in the endorsement area sought. If any Praxis II examination required by this section is not validated for use in Vermont prior to the effective date of the examination, this requirement shall not take effect until validation for that examination is complete.
- 5244 Alternatives to Examinations. The State Board may adopt an alternative method to an examination requirement for all applicants when it is shown to provide evidence of basic skill or content competency comparable to that of the passing scores on the required examinations.
- 5245 Adoption of Testing Elements, Public Notice, and Consideration of Recommendation. Before adopting:
- scores for passing the examinations required under these rules;
 - examinations other than Praxis I and II;
 - alternative methods of demonstrating competency; or
 - additional endorsement areas to be subject to examination requirements;
- The State Board shall, after public notice of its deliberations, consider the recommendations of interested individuals and organizations. The effective date of any examination or alternative to an examination adopted to take the place of the Praxis I or Praxis II examination requirement or the addition of new endorsement areas subject to examination requirements shall be no less than one year from the date of adoption.
- 5246 Review of Passing Scores. Passing scores for examinations will remain in effect for three years. At the end of the first three-year period, and every three years thereafter, the State Board shall review the passing scores and any alternatives then in place, and may make modifications to be in effect during the ensuing three-year period. Scores adopted by the State Board for passing the examinations, or alternatives to examinations required under these rules, shall apply to any application for licensure submitted subsequent to the effective date specified at the time of adoption.

A candidate who retakes an applicable examination in order to achieve a passing score, or who seeks to qualify by complying for the second or subsequent time with an alternative requirement, must meet the standard in effect when the score or alternative is submitted as part of an otherwise complete application for licensure.

5247 Exemptions. Candidates meeting the following criteria shall be exempt from the examination requirements set forth in these rules:

5247.1 A candidate who qualifies under the interstate reciprocity provisions of these rules, and who has a minimum of three years of employment experience within the prior seven years as a licensed educator in the endorsement area for which an endorsement is sought.

5247.2 A candidate who, prior to the effective date of these rules, has received written notification from the Licensing and Professional Standards Office or a panel convened to review credentials under section 5330 of these rules that a license will be granted upon completion of specified requirements.

5247.3 A candidate who otherwise qualifies for a license or endorsement, and who is certified by the National Board for Professional Teaching Standards in the applicable endorsement area.

5248 Permission to Employ. A candidate who is otherwise qualified for a license or endorsement, but who has not taken an examination required by these rules, or who has taken an examination but has not received results, may be hired to fill a position for which the candidate is otherwise qualified when a superintendent obtains permission for such employment from the Licensing and Professional Standards Office. Permission to employ under this section shall be granted on the request of a superintendent for one school year only, and may not be renewed at the end of the applicable year. Permission to employ shall not be granted for any candidate who has taken an applicable examination and has failed to meet the passing score for that examination.

5300 PROCESSES FOR BECOMING LICENSED

Applicants may seek licensure, through written application, by the following methods:

5310 Approved Vermont Educator Preparation Program

The applicant has successfully completed and been recommended for licensure by a Vermont educator preparation program approved by the VSBPE pursuant to Section 5900 of these rules. The applicant shall meet requirements for updated knowledge and skills as established by VSBPE policy when there is a time lapse of ten or more years between the time of recommendation for licensure and application for licensure. An applicant who completed a Vermont educator preparation program and holds a current license in another state shall be considered under Section 5320 of these rules.

The knowledge and skills of an applicant for an initial license who wishes to qualify for an endorsement for which an approved Vermont educator preparation program does not exist, or did not exist within the last five years, shall be evaluated by the VSBPE, or its designee, on an individual basis, through transcript review and analysis of other

applicable program components, to establish that the applicant meets the requirements of these rules.

5320 Interstate Reciprocity

5321 An applicant who has successfully completed a state-approved educator preparation program or is licensed in a state with which Vermont has signed an interstate reciprocity contract and who meets the requirements specified in such contract and ancillary requirements as defined in such contract and specified in these rules shall be issued a comparable license and/or endorsement(s) according to the provisions of these rules.

5322 An applicant who is licensed through an alternative route in a state with which Vermont has signed an interstate reciprocity contract, has provided satisfactory service as an educator in a school in an assignment covered by the endorsement sought, on at least a half time basis for not fewer than twenty-seven months during the seven years immediately preceding the application for a Vermont license, and who meets the requirements of the contract and ancillary requirements as defined in the contract and specified in these rules shall be issued a comparable license and endorsement(s) according to the provisions of these rules.

5323 An applicant for Vermont licensure who holds a valid license in a state not participating in a reciprocity contract, or an applicant whose category of licensure is not covered by a reciprocity contract, shall be evaluated by the VSBPE, or its designee, on an individual basis by transcript review to establish whether the applicant meets the competency requirements of these rules.

5324 An applicant for Vermont licensure who is certified by the National Board for Professional Teaching Standards shall be issued a license in the applicable endorsement area.

5325 When an endorsement requires an additional license or certificate, a copy of the valid document shall be provided by the applicant.

5326 A Vermont license and endorsement(s) issued through reciprocity shall be subject to renewal provisions of Section 5430 of these rules.

5330 Alternative Routes to Licensure

5331 Peer Review. An individual who holds at least a baccalaureate degree may be licensed or receive additional endorsements, through a peer review process that is approved and periodically monitored by the VSBPE. Any evaluation panel established to review the qualifications of an applicant under this section shall include individuals who are qualified in the field of practice for the endorsement(s) sought by the applicant. The evaluation panel shall determine whether the applicant meets the requirements for licensure based on evidence of competence, preparation, and experience in the field of practice for which the license and/or endorsement(s) is sought and recommend accordingly.

5332 Other Approved Alternative Routes. An individual who holds at least a baccalaureate degree may be licensed by completing an alternative preparation process approved by the Vermont State Board of Education in consultation with the VSBPE.

5340 Licensure of Career and Technical Educators with Trades and Industry Endorsement(s)

- 5340.1 Upon employment by a Technical Center, an applicant for licensure as a career and technical educator with a Trades and Industry endorsement, who does not otherwise meet the requirements of Sections 5234 - 5235 of these rules, shall develop a Technical Development Plan which sets forth how the applicant intends to meet those requirements.
- 5340.2 The Technical Development Plan shall be developed by the applicant and the Director of the Career and Technical Education Mentor Program and be approved by the Director of the Technical Center.
- 5340.3 An apprenticeship license shall be issued when the Technical Development Plan is submitted to, and approved by the VSBPE, or its designee,. The apprenticeship license shall be Level I license valid for up to three years. The applicant shall not begin the teaching assignment until the apprenticeship license is issued.
- 5340.4 Annual yearly progress on the Technical Development Plan shall be monitored by the Director of the Career and Technical Education Mentor Program. Unsatisfactory yearly progress shall be reported to the VSBPE or its designee,.
- 5340.5 The VSBPE, or its designee, and the Director of the Career and Technical Education Mentor Program will verify satisfactory completion of the Technical Development Plan. Satisfactory completion shall be indicated on a form signed by the Director of the Technical Mentor Program and the VSBPE, or its designee,. The apprenticeship license shall not be renewed unless the approved Technical Development Plan is satisfactorily completed within the three years specified in Section 5340.3 unless the VSBPE, or its designee, determines extenuating circumstances exist.
- 5340.6 Within three months of receiving notice of completion of the Technical Development Plan, the applicant shall apply for a Level 1 License. That License shall be valid for three years and be subject to provisions for renewal stated in Section 5431. If the Technical Development Plan is not completed within three years, the apprenticeship license shall not be renewed unless the VSBPE, or its designee, determines extenuating circumstances exist.

5345 Licensure of Career and Technical Educators with Technical Professional Endorsements

- 5345.1 An applicant for licensure as a career and technical educator with a Technical Professional Endorsement who does not otherwise meet the requirements of Sections 5234-5235 of these rules but possesses a minimum of an associate's degree, shall develop a Technical Professional Development Plan which sets forth how the applicant plans to meet those requirements.
- 5345.2 The Technical Professional Development Plan shall be developed by the applicant and the Director of Career and Technical Education Mentor Program and approved by the Director of the Technical Center.

- 5345.3 An apprenticeship license shall be issued when the Technical Professional Development Plan is submitted to, and approved by, the VSBPE, or its designee. The apprenticeship license shall be valid for up to three years. The applicant shall not begin the teaching assignment until the apprenticeship license is issued.
- 5345.4 Annual progress on the Technical Professional Development Plan shall be monitored by the Director of the Career and Technical Education Mentor Program. Unsatisfactory progress shall be reported to the VSBPE, or its designee, and could result in revocation of the apprenticeship license.
- 5345.5 Within three months of receiving notice of completion of the Technical Professional Development Plan, the applicant shall apply for a Level 1 License. That License shall be valid for three years and be subject to provisions for renewal stated in Section 5431. If the Technical Professional Development Plan is not completed within three years, the apprenticeship license shall not be renewed unless the VSBPE, or its designee, determines extenuating circumstances exist.

5350 Provisional Licenses and Endorsements - General

- 5351 The VSBPE, or its designee, shall issue a two-year provisional license with an endorsement to an individual on the application of a superintendent when the local district is unable to find an appropriately licensed and/or endorsed applicant after making all reasonable efforts to do so, or a licensed or endorsed applicant does not possess the qualities necessary for the specific assignment. The application for a provisional license or endorsement shall include a plan for obtaining a Level I license or endorsement and an explanation of how the applicant will be mentored and supervised during the two-year period of the provisional license.

Qualifications - Applicants for a provisional license or an endorsement shall possess a baccalaureate degree and meet at least one of the following criteria:

- A. Possess any valid educator license from another state, or
 - B. Possess any expired Vermont educator license or any expired license from another state, provided the license expired no longer than 10 years ago, or
 - C. Have a major in the content area of the provisional endorsement sought, or
 - D. Have successfully completed the licensure content assessment for the provisional endorsement sought.
- 5352 A provisional endorsement may be requested without making all reasonable attempts to find a properly endorsed person when the superintendent wishes to assign a current employee who is licensed, but not properly endorsed for the assignment, and who will be eligible for proper endorsement within the two year provisional period. If the employee is not properly endorsed at the expiration of the provisional endorsement, the district shall make all reasonable efforts to seek a properly endorsed applicant.
- 5353 Provisional license or endorsement requests shall not be approved before June 1 for the ensuing year unless the request is for an administrator whose assignment for the ensuing year begins prior to that date. Provisional license requests for such assignments shall not be approved prior to April 1 for the ensuing school year.

- 5354 A provisional license or endorsement shall expire on June 30 of the second school year for which it was granted.
- 5355 A provisional license or endorsement shall not be renewed for any individual unless the VSPBE, or its designee, determines that extenuating circumstances existed that prevented the individual from completing the approved plan for Level I licensure.
- 5356 An educator who holds a provisional license may be employed by any school district during the life of the provisional license if the employing district shows need in accord with Section 5351 of these rules.
- 5360 Emergency Licenses and Endorsements
- 5361 The VSBPE, or its designee, shall issue a one-year emergency license or endorsement to an individual on the application of a superintendent when the local district is unable to find appropriately licensed and/or endorsed applicants after making all reasonable efforts to do so; or a licensed or endorsed applicant does not possess the qualities necessary for the specific assignment.
- 5362 Except for applications for emergency school nurse endorsements, emergency licenses and endorsements shall be issued only to individuals who hold a baccalaureate degree or its equivalent, but do not meet the qualifications for a provisional license as stated in Section 5351 of these rules. The application for an emergency license shall include an explanation of how the applicant will be mentored and supervised.
- 5363 An emergency license or endorsement shall not be approved before July 15 for the ensuing school year unless the request is for an administrator whose assignment for the ensuing year begins prior to that date. Emergency license requests for such assignments shall not be approved prior to June 1 for the ensuing school year.
- 5364 An emergency license or endorsement shall expire on June 30 of the academic year in which it was issued, shall be valid only for the assignment for which it was issued, and shall not be renewable for a second year.

5400 ISSUANCE OF LICENSE AND ENDORSEMENT

The issuance of a license authorizes the holder to practice as an educator in the endorsement fields(s) and grade level(s) specified.

Each license issued shall indicate the type of license, and the endorsement(s) and grade level(s) for which the license is valid.

5405 Apprenticeship License - Career and Technical Educators

The VSBPE, or its designee, shall issue a three-year apprenticeship license to individuals seeking Career and Technical licenses with Trades and Industry endorsements or Technical Professional endorsements. The educator examination requirements of Sections 5240 through 5248 of these rules shall not apply to applicants for apprenticeship licenses.

5406 Trades and Industry Endorsements

5406.1 Applicants seeking a Career and Technical license with a Trades and Industry endorsement shall possess a minimum of a high school diploma and at least six years experience in the trade of the endorsement.

5406.2 Upon approval of a Technical Development Plan in accordance with Section 5340, the applicant will be issued a three-year apprenticeship license that expires on June 30 of the final year.

5406.3 A Career and Technical apprenticeship license with a Trades and Industry endorsement shall not be renewed unless the VSBPE, or its designee, determines that extenuating circumstances existed that prevented the applicant from completing the approved Technical Development Plan.

5407 Technical Professional Endorsements

5407.1 Applicants seeking a Career and Technical license with a Technical Professional endorsement shall possess a minimum of an associate's degree and at least three years experience in the profession of the endorsement.

5407.2 Upon approval of a Technical Professional Development Plan in accordance with Section 5345, the applicant will be issued a three-year apprenticeship license that expires on June 30 of the final year.

5407.3 A Career and Technical apprenticeship license with a Technical Professional endorsement shall not be renewed unless the VSBPE, or its designee, determines that extenuating circumstances existed that prevented the applicant from completing the approved Technical Professional Development Plan.

5410 Level I: Beginning Educator License

5411 A Level I license shall be issued to an applicant who has satisfactorily met all requirements for licensure in Section 5230 through one of the processes in Section 5300 or met the requirements for an additional endorsement in Section 5443 of these rules.

5412 A Level I license is valid for three years and may be renewed subject to the provisions of Section 5430 of these rules.

5413 A Level II Professional Educator License may not revert back to a Level I license after it has been moved to a Level II license.

5420 Level II: Professional Educator License

A Level II license is valid for seven years and may be renewed subject to the provisions of Section 5430 of these rules.

5421 A Level II license shall be issued, upon recommendation of a local or regional standards board, to educators who have:

- a. successfully practiced in an endorsement area for three years under a Level I license with the support of a mentor as defined by the State Board of Education in consultation with the VSBPE;
- b. submitted an approved Individual Professional Development Plan (IPDP) that is developed through analysis of professional practice and student learning data, and that articulates the educator's professional development goals for the ensuing licensure period. The IPDP goals shall address the content knowledge and performance standards in effect at the time of renewal for the endorsement being moved to Level II, each of the *Five Standards for Vermont Educators*, and the action plan or improvement initiatives of the school where the educator is employed, as appropriate;
- c. provided verification from an administrator who has supervised the educator's work that the educator has demonstrated the competencies required by the endorsement at a professional level. The Licensing and Professional Standards Office shall provide a signature form for administrators to use for this purpose;
- d. provided documentation of any valid licenses or credentials that are required by the endorsement(s) sought.

5422 Educators who currently hold both a current Level I license and a current Level II license, and have Level I endorsement(s) being recommended for a Level II license, shall have the endorsement(s) issued on their current Level II license.

The expiration date of the additional Level II endorsement(s) shall be the expiration date of the current Level II license.

5423 Applicants for licensure through interstate reciprocity may be eligible for an endorsement on a Level II license upon presenting satisfactory evidence of three successful years of practice in the endorsement area.

5430 License Renewal and Reinstatement

A license and endorsement(s) shall be renewed or reinstated in the name of the VSBPE as set forth in Sections 5431 through 5435 of these rules. When an endorsement requires an additional license or credential, a copy of the valid document shall be provided by the educator at the time of renewal or reinstatement.

5431 Level I license Renewal

Level I License

5431.1 Educators Employed in Vermont Under Level I Endorsement

5431.1.1 Level I endorsement holders who have practiced in an endorsement area for three years shall seek a recommendation from their local or regional standards board for a Level II endorsement pursuant to section 5420 of these rules.

- 5431.1.2 An educator who does not receive a recommendation for a Level II endorsement upon initial application, shall renew the Level I endorsement for three years and re-apply for a Level II license prior to the expiration of the renewal.
- 5431.1.3 The Level I endorsement of an educator who does not receive a recommendation for a Level II endorsement after the second application shall become lapsed.
- 5431.1.4 Level I license holders employed as educators in Vermont but who have not practiced in a particular endorsement area for three years, shall seek a recommendation for renewal of that Level I endorsement through their local or regional standards board.
- 5431.1.5 To receive a three-year renewal, the educator shall show professional growth through completion of a minimum of three professional development credits in the endorsement area.
- 5431.1.6 The holder of a Level I endorsement that has been renewed shall continue to seek renewal of that endorsement in accord with Rule 5431.1.5 until such time as the educator qualifies to apply for renewal of the endorsement as a Level II endorsement.

5431.2 Educators Not Employed Under Level I Endorsement

- 5431.2.1 A holder of a Level I endorsement who is not employed as an educator in Vermont shall seek a recommendation for renewal of the Level I endorsement through the Licensing and Professional Standards Office.
- 5431.2.2 To receive a three-year renewal, the educator shall show professional growth through completion of a minimum of three professional development credits in the endorsement area(s) of the Level I license.
- 5431.2.3 The holder of a Level I endorsement that has been renewed shall continue to seek renewal of that endorsement as provided by Rule 5431.2.2 until such time as the educator qualifies to apply for renewal of the endorsement as a Level II endorsement.

5432 Level II License Renewal

- A. Level II license holders employed as educators in Vermont shall seek a recommendation for renewal of their Level II license and endorsement(s) from their local or regional standards board.
- B. A Level II license holder employed by a Vermont independent school shall seek a recommendation for renewal from a local standards board designated by the VSBPE to serve independent schools, or may seek a recommendation for renewal from the local standards board for the school district in which the independent school is located if that board agrees to serve that independent school or educator.

- C. A Level II license holder who is not employed by a Vermont entity served by a local or regional standards board at the time of application for renewal, shall apply to the Licensing and Professional Standards Office for renewal.
- D. The local or regional standards board shall recommend renewal of a Level II endorsement if the applicant presents a professional portfolio that includes:
 - 1. the current Individual Professional Development Plan (IPDP);
 - 2. documentation of professional growth pursuant to the IPDP goals include:
 - a. reflection upon new learning and its impact upon professional practice;
 - b. reflection upon how changes in professional practice have impacted student performance;
 - c. linkages between individual professional development goals and activities, and school action plans or improvement initiatives, as appropriate;
 - d. demonstration of growth in each of the *Five Standards for Vermont Educators* which are in effect at the time the IPDP is approved or amended; and
 - e. documentation of a minimum of nine relicensing credits per endorsement recommended for renewal. Relicensure credits should be related to the educator's IPDP goals. Certain professional development activities may apply to more than one endorsement. However, at least three relicensing credits must address the specific content knowledge and performance standards of each endorsement recommended for renewal. The local or regional standards board will determine the applicability of professional development activities and grant approval for relicensing credits based upon a presentation by the license holder of the rationale for applying certain credits and activities to particular endorsement areas and IPDP goals.
 - 3. evidence of any required additional licenses or credentials specific to a particular endorsement.
 - 4. an approved IPDP that is developed through analysis of professional practice and student learning data, and that articulates the educator's professional development goals for the ensuing licensure period. The IPDP goals shall address the content knowledge and performance standards in effect at the time the endorsements are renewed, each of the *Five Standards for Vermont Educators*, and the action plan or improvement initiatives of the school where the educator is employed, as appropriate.

5. A portfolio submitted by an educator for National Board Certification shall be considered as equivalent to a relicensure portfolio for renewing the comparable endorsement.
- E. A Level II license holder who is not employed by an educational entity served by an approved local or regional standards board shall:
1. Apply for renewal to the Licensing and Professional Standards Office.
 2. Present an IPDP that is developed through an analysis of professional practice and that articulates the educator's professional development goals for the ensuing licensure period. The IPDP goals shall address the content knowledge and performance standards in effect at the time the endorsements are renewed, and each of the *Five Standards for Vermont Educators*.
 3. Present documentation of a minimum of nine credit hours of study, or the equivalent, in subject areas related to each endorsement area; certain professional development activities may apply to more than one endorsement. The VSBPE, or its designee, shall determine the applicability of credits and professional development activities.
 4. Provide copies of valid additional licenses or credentials that are required for a specific endorsement
 5. Upon employment in a Vermont educational entity that has an approved local or regional standards board, the educator shall develop and file an approved IPDP within six months of employment with the appropriate local or regional standards board.
- F. Approved IPDPs and approved corresponding professional development activities shall be accepted on a reciprocal basis by local and regional standards boards and by the Licensing and Professional Standards Office when the educator is not under the jurisdiction of a local or regional standards board.

5435 Reinstatement of Lapsed Licenses or Endorsements

- 5435.1 After a license, a certificate issued under previous rules, or an endorsement lapses, an applicant who wishes the license and/or endorsement to be reinstated shall provide, in accordance with standards and procedures developed by the VSBPE, evidence of professional growth equivalent to that which would have been required for the maintenance of each license and/or endorsement under these rules and provide copies of valid additional licenses or credentials, that are required for the specific endorsement.
- 5435.2 If the applicant who wishes to reinstate a lapsed endorsement is served by a local or regional standards board, the board shall evaluate the professional development activities of the applicant and recommend for reinstatement, as appropriate. If an applicant is not under the jurisdiction of a local or regional standards board, the applicant shall apply for reinstatement to the Licensing and Professional Standards Office.

- 5435.3 The local or regional board and the Licensing and Professional Standards Office shall apply the same standards with regard to individual plans for professional development and approval of credits for reinstatement as it applies to license renewals.
- 5435.4 The maximum number of relicensing credits required for reinstatement of a lapsed license shall be eighteen per endorsement.
- 5435.5 A license and/or endorsement may be reinstated and limited to one year upon receipt of documentation of at least nine approved relicensing credits. The remaining required credits shall be obtained during the year in order to renew the license and/or endorsement unless an extension is granted by the Licensing and Professional Standards Office upon application by the educator showing circumstances constituting undue hardship.
- 5435.6 Standards for relicensing credits applicable for reinstatement shall be determined by the VSBPE.
- 5435.7 Licenses issued under previous rules shall be reinstated at the equivalent level of license when all requirements for reinstatement are met.
- 5435.8 Reinstatement of a revoked or suspended license and/or endorsement is also subject to provisions in Section 5700 of these rules.
- 5436 Audiologists and Speech Language Pathologists
- 5436.1 Definitions: Terms defined in 26 V.S.A. §4451 shall have the same meaning when used in Rules 5436 through 5436.9.
- 5436.2 General Requirements for All Applicants for Professional Audiology or Speech Language Pathologist License.
- (a) Applicants for Audiology or Speech Language Pathology licenses shall submit an application to the Office of Licensing and Professional Standards along with payment of the specified fee and evidence of the following qualifications:
- (1) A masters degree or doctoral degree in audiology or speech language pathology from an educational institution approved by the American Speech Language-Hearing Association (ASHA) or the American Board of Audiology (ABA);
 - (2) Completion of a period of post-graduate professional training, the length and content of which shall comply with standards established by ASHA or ABA; and
 - (3) Passing scores on the Praxis II examination or other examination in audiology or speech language pathology selected by the State Board pursuant to Rules 5240 et seq.
- (b) Applicants who qualify for a current Certificate of Clinical Competence from ASHA or for board certification in Audiology from ABA shall be deemed to have met the above requirements.

5436.3 General Requirements for All Applicants for Provisional Audiology or Speech Language Pathologist License.

- (a) Provisional licenses in audiology and speech language pathology are intended for recent graduates of speech-language pathology or audiology programs who are completing the Clinical Fellowship Year requirement for professional license.
- (b) Applicants for Audiology or Speech Language Pathology provisional licenses shall submit an application to the Office of Licensing and Professional Standards along with payment of the specified fee and evidence of the following qualifications:
 - (1) A masters degree or doctoral degree in audiology or speech language pathology from an educational institution approved by ASHA or ABA;
 - (2) Passing scores on the Praxis II examination or other examination in audiology or speech language pathology selected by the State Board pursuant to Rules 5240 et seq.
- (c) Provisional licenses shall be granted for a period of two years and are non-renewable.

5436.4 Waiver for Applicants in Private Practice

- (a) “Private practice” means any work performed by a licensed speech-language pathologist or audiologist that is not within the jurisdiction of the State Board of Education under its authority set forth in 16 V.S.A. §164.
- (b) The Office of Licensing and Professional Standards shall waive the requirements of subsections 1 through 3 of Rule 5436.2(a) for applicants who were engaged in private practice on July 1, 2003. Evidence submitted to qualify for waivers under this section shall be submitted on or before October 1, 2004, and shall be accompanied by a completed application for licensure as an audiologist or speech language pathologist.
- (c) Waivers under this section shall be granted to applicants who present proof of:
 - (1) Employment as an audiologist or speech language pathologist on July 1, 2003, and
 - (2) Passing scores on the examination required by Rule 5436.2 (a)(3).
- (d) Proof of employment under this section shall include a notarized affidavit signed by the practitioner attesting in detail as to the location and nature of the applicant’s private practice. Falsification of any statement in the affidavit or application shall constitute unprofessional conduct and shall be grounds for withdrawal of a waiver, denial of a license application and/or license revocation pursuant to 3 V.S.A. §129a (a)(1).
- (e) Waivers granted under this section shall expire on July 1, 2008. After July 1, 2008, holders of waivers under this section shall be granted licenses upon meeting the requirements of Section 5436.2.

5436.5 Renewal of Professional Audiology or Speech Language Pathology Licenses.

- (a) Audiology and Speech Language Pathology licenses shall be issued for an initial period of three years, and shall be renewed for three-year periods thereafter.
- (b) Renewal shall be granted to applicants who show qualifications sufficient to maintain certification by ASHA in speech-language pathology or audiology or by ABA in audiology. The Office of Licensing and Professional Standards may consult with advisors appointed pursuant to 26 V.S.A. §4455 when determining whether an applicant's qualifications are sufficient under this section.

5436.6 Requirements for All New Applicants for Educational Speech Language Pathologist Endorsements.

- (a) Educational Speech Language Pathologist endorsements (Rule 5445.84) shall be granted to holders of speech language pathologist licenses who:
 - (1) demonstrate the educational speech language pathologist endorsement competencies established by the VSBPE and the State Board of Education, and
 - (2) submit passing scores on the Praxis I examination or other skills examination selected by the State Board under Rule 5241.
- (b) Except as otherwise provided in Section 5436.7, renewal of Educational Speech Language Pathologist endorsements shall be granted to applicants provided that at least one half of the renewal credits submitted are related to the knowledge and performance standards of the educational endorsement.

5436.7 Requirements for Applicants Who Held Speech Language Pathologist Endorsements on July 1, 2003.

- (a) Applicants who held a speech language pathologist endorsement on July 1, 2003 shall be granted renewal of that endorsement through July 1, 2008 upon completion of the renewal requirements in Sections 5431 through 5435 of these rules.
- (b) Applicants who held a speech language pathologist endorsement on July 1, 2003 shall complete the requirements of subsections 1 through 3 of Rule 5436.2(a) as a condition of renewal on or after July 1, 2008. However, those speech language pathologists who, as of July 1, 2003, had been practicing for five or more years under a VT educator licensure as a speech language pathologist shall not be required to meet the Clinical Fellowship Year Requirement.

5436.8 Requirements for Individuals Who Hold Professional Licensure as Audiologists or Speech Language Pathologists in Other States and Wish to Work in Vermont.

- (a) Individuals providing audiology or speech language pathology services in Vermont must be licensed in Vermont regardless of the duration of their services.
- (b) Individuals licensed as professional audiologists or speech language pathologists in other states will be granted Vermont licenses, upon payment of the appropriate fees, provided they have no disciplinary actions against them and they were licensed under

standards that are substantially similar to Vermont's. The Office of Licensing and Professional Standards shall consult with advisors appointed pursuant to 26 V.S.A. §4455 when determining whether the licensure standards of another state are substantially similar.

- (c) 26 V.S.A. §4463 requires licensees in private practice to maintain a Vermont business address. For the purposes of these rules, a Vermont business address shall be defined as the individual's place of employment.

5436.9 Disclosure of Prices

- (a) A licensee in private practice must disclose in a clear and conspicuous manner the range of prices charged for goods and services. For dispensers of hearing aids, the disclosure shall include the range of prices for each product category sold from the least expensive to the most expensive.

5440 Endorsements

- 5441 In order to be valid, each professional educator's license shall have one or more endorsements.

Each license shall have a code(s) as specified in Section 5445 that indicates the endorsement field(s) in which the holder is authorized to practice.

5442 Limited Endorsements

Endorsements limited in time, grade level, or scope may be issued by the VSBPE based on the applicant's background and experience. These endorsements shall permit practice in a specialized area within a broader endorsement field or restrict assignment to specific grade levels or to a specific period of time.

5443 Additional Endorsements

- 5443.1 The holder of any license who wishes to qualify for an additional endorsement, shall present evidence of meeting the content knowledge and performance standards and additional requirements, if any, of the endorsement. A minimum of eighteen credit hours in the endorsement field is required.

- 5443.2 Additional endorsement(s) shall be granted as Level I license endorsements.

5444 Endorsement Standards

The VSBPE shall establish and amend as needed the standards necessary to obtain an endorsement in a specific field of practice.

5445 Endorsements for Vermont Educators

Endorsements may be obtained in the following areas. For the purposes of these rules, the number preceding each endorsement title shall be the code for that endorsement.

Administrator Endorsements

(20) Adult Services Coordinator

The holder is authorized to provide comprehensive service to adults as appropriate to design, implement, and maintain educational/employment and training programs in Vermont secondary schools and career and technical centers.

(92) Career and Technical Center Director

The holder is authorized to direct the operation of an area technical center. An educator serving as Assistant Career and Technical Director, however named, shall hold a Career and Technical Director endorsement.

(86) Director of Special Education

The holder is authorized to direct, supervise, provide and evaluate special education programs and services, and to coordinate them with regular education programs, with home-based services, and with community-based services for students with handicapping conditions and/or disabilities. An educator serving as an Assistant Director of Special Education, however named, shall hold a Director of Special Education endorsement.

(91) Principal

The holder is authorized to serve as a school principal. An educator serving as an Assistant Principal, however named, shall hold a Principal endorsement.

(90) Superintendent

The holder is authorized to serve as the chief executive officer of a school district. An educator serving as an Assistant Superintendent, however named, shall hold a Superintendent endorsement.

(75) Supervisor

The holder is authorized to supervise and evaluate licensed instructional personnel and instructional programs.

Subject Area Endorsements

(02) Art

The holder is authorized to teach art in grades PreK-6, 7-12, or PreK-12, as specified on the endorsement.

(39) Bilingual Education

The holder is authorized to teach students who are English Language Learners (ELL) and/or native speakers of English, in a language other than English, as well as in English. This endorsement is limited to holders of endorsements in early childhood, elementary education, middle grades, special education, English as a Second Language, or science,

social studies, mathematics, or English language arts. The holder's language(s) of concentration and instructional level shall be indicated on the endorsement.

(14) Computer Science

The holder is authorized to teach computer science in grades 7-12.

(38) Dance

The holder is authorized to teach dance in grades PreK-6, 7-12, or PreK-12, as specified on the endorsement.

(30) Driver Education

The holder is authorized to teach driver education in grades 9-12.

(36) Early Childhood Education

The holder is authorized to teach young children birth through grade 3.

(42) Educational Technology Specialist

The holder is authorized to plan and implement instruction and evaluate student learning in the use and integration of educational technologies in grades PreK-12.

(00) Elementary Education

The holder is authorized to teach grades K-6.

(05) English

The holder is authorized to teach English language arts in grades 7-12.

(40) English as a Second Language

The holder is authorized to provide instruction in English language development to English Language Learners (ELLs) and to support the learning of ELL students in all content areas through collaboration with teachers, administrators, and parents. The holder is authorized to teach grades PreK-6, 7-12, or PreK-12, as specified on the endorsement.

(31) Health Education

The holder is authorized to teach health education in grades PreK-6, 7-12, or PreK-12, as specified on the endorsement.

(61) Library Media Specialist

The holder is authorized to provide library media services and instruction in grades PreK-12.

(11) Mathematics

The holder is authorized to teach mathematics in grades 7-12.

(19) Middle Grades

The holder is authorized to teach one or more of the following content areas--Science, History/Social Sciences, English Language Arts, Mathematics--in grades 5-9, as specified on the endorsement.

(06) Modern and Classical Languages

The holder is authorized to teach a modern language(s) (including American Sign Language) and/or a classical language(s) in grades PreK-6, 7-12, or PreK-12, as specified on the endorsement.

(12) Music

The holder is authorized to teach music in grades PreK-6, 7-12, or PreK-12, as specified on the endorsement.

(08) Physical Education

The holder is authorized to teach physical education in grades PreK-6, 7-12, or PreK-12, as specified on the endorsement.

(78) Reading /English Language Arts Coordinator

The holder is authorized to provide leadership in the implementation of reading instruction and assessment practices that are informed by research, including coordination and management of all aspects of the school's or district's reading program and guidance of professional development in the area of reading, in order to help all students achieve standards.

(76) Reading/English Language Arts Specialist

The holder is authorized to function as a school-wide resource to support teachers to implement reading instruction and assessment practices that are informed by research, and to provide instruction in reading to students in grades PreK-12. This endorsement is limited to holders of endorsements in early childhood, elementary education, middle grades, secondary education, or special education.

(64) School Counselor

The holder is authorized to provide school counseling services in grades PreK-12.

(65) School Nurse

The holder is authorized to provide school health services in grades PreK-12 and to collaborate with teachers and administrators to integrate health and wellness knowledge and skills throughout the school and curriculum.

(65A) Associate School Nurse

The holder is authorized to provide school health services in grades PreK-12.

(66) School Psychologist

The holder is authorized to provide school psychological services in grades PreK-12.

(54) School Social Worker

The holder is authorized to provide school social work services to students and their families in grades PreK-12.

(13) Science

The holder is authorized to teach science in grades 7-12.

(15) Social Studies

The holder is authorized to teach history and the social sciences in grades 7-12.

(37) Theater Arts

The holder is authorized to teach theater arts in grades PreK-6, 7-12, or PreK-12, as specified on the endorsement.

Special Education

(88) Audiologist -discontinued

(85) Consulting Teacher

The holder is authorized to provide comprehensive special education services to students in grades K-8 or grade 7 through age 21, as specified on the endorsement, and to provide leadership in the implementation of best practices in special education. The holder may provide instruction to students who are visually impaired or Deaf, as those terms are defined in federal regulations pertaining to special education eligibility, in consultation with a Teacher of the Blind and Visually Impaired or a Teacher of the Deaf and Hard of Hearing.

(80) Early Childhood Special Educator

The holder is authorized to provide early intervention services, including case management and comprehensive evaluation services, to children age 3 through age 6.

(84) Educational Speech Language Pathologist

The holder is authorized to provide speech and language services, including case management and comprehensive evaluation services, to individuals age 3 through 21.

(81) Intensive Special Needs

The holder is authorized to teach individuals age 3 through 21 with intensive special needs as defined in federal regulations pertaining to special education eligibility. The holder is authorized to provide or oversee the provision of instructional services, and to collaborate with an interdisciplinary team to design, implement, and evaluate educational plans and accommodations for individuals with intensive special needs.

(82) Special Educator

The holder is authorized to provide specialized instruction and intervention services, including case management, to students in grades K-8 or grade 7 through age 21, as specified on the endorsement. The holder may also provide comprehensive evaluation and Individual Education Plan (IEP) development services with professional and technical assistance from a Consulting teacher or Director of Special Education. The holder may provide instruction to students who are visually impaired or Deaf, as those terms are defined in federal regulations pertaining to special education eligibility, in consultation with a Teacher of the Blind and Visually Impaired or a Teacher of the Deaf and Hard of Hearing.

(67) Teacher of the Blind and Visually Impaired

The holder is authorized to teach individuals age 3 through 21 who are blind or visually impaired as defined in federal regulations pertaining to special education eligibility. The holder is authorized to provide or oversee the provision of instructional services and to collaborate with an interdisciplinary team to design, implement, and evaluate educational plans and accommodations for individuals with visual impairments.

(68) Teacher of the Deaf and Hard of Hearing

The holder is authorized to teach individuals age 3 through 21 who are Deaf or hard of hearing as defined in federal regulations pertaining to special education eligibility. The holder is authorized to provide or oversee the provision of instructional services, and to collaborate with an interdisciplinary team to design, implement, and evaluate educational plans and accommodations for individuals who are Deaf or hard of hearing.

Career and Technical Education

(01) Agriculture, Food and Natural Resources

The holder is authorized to teach agriculture, food and natural resources in grades 7-12.

(03) Business and Administration

The holder is authorized to teach business and administration in grades 7-12.

(04) Business and Administration in Career and Technical Centers

The holder is authorized to teach business and administration in grades 9-12 in a Career and Technical Center.

(73) Career and Technical School Counseling Coordinator

The holder is authorized to provide and coordinate career and technical school counseling services in grades 9-12.

(87) Career and Technical Special Needs Teacher

The holder is authorized to provide special education instructional services to individuals in grades 9-12 who are enrolled in career and technical education.

(60) Cooperative Career and Technical Education

The holder is authorized to provide coordinating cooperative education services to occupational based programs in grades 9-12.

(10) Design and Technology Education

The holder is authorized to teach design and technology education in grades 5-12.

(09) Family and Consumer Sciences

The holder is authorized to teach family and consumer sciences in grades 5-12.

(34) Health Services

The holder is authorized to teach health services in grades 9-12.

(35) Marketing and Sales Services

The holder is authorized to teach marketing and sales services in grades 9-12.

(32) Occupational Family and Consumer Sciences

The holder is authorized to teach occupational family and consumer sciences and human services programs in grades 9-12.

(18) Technical Professional

The holder is authorized to teach one or more technical courses of study in grades 9-12, as specified on the endorsement.

(17) Trades and Industry

The holder is authorized to teach one or more Trades and Industry courses of study in grades 9-12, as specified on the endorsement.

Other

(89) Other

The holder is authorized to practice in a field for which his/her preparatory experience qualifies and where Vermont has no equivalent endorsement.

5500 SUBSTITUTES AND RETIRED EDUCATORS

5510 Substitutes

5510.1 Qualifications

Each local school board shall adopt a policy establishing employment qualifications for persons who substitute for educators in their absence. Each policy shall require at minimum that the substitute has graduated from high school.

5510.2 Time Limits and Extensions

An unlicensed person employed as a substitute pursuant to local school board policy may substitute for up to fifteen consecutive days per educator absence. Upon application by the superintendent, the VSBPE, or its designee, may grant an extension for an additional fifteen days. Extensions shall be granted only when the superintendent has presented evidence that a licensed educator is not available or that other compelling reasons exist. Search for a licensed educator shall continue throughout any extension. The superintendent may apply for additional extensions or, when appropriate, seek an emergency license pursuant to Section 5360 of these rules.

Licensed educators may substitute in a field outside of their endorsement field for thirty days per educator absence. Upon application by the superintendent, the VSBPE, or its designee, may grant an extension for an additional thirty days. Extensions shall be granted only when the superintendent has presented evidence that a licensed educator with an appropriate endorsement is not available or that other compelling reasons exist. Search for a licensed educator with an appropriate endorsement shall continue throughout any extension. The superintendent may apply for additional extensions or, when appropriate, seek an emergency license pursuant to Section 5360 of these rules.

5520 Retired Educators

An educator who has twenty years of successful experience and who has withdrawn from active service and receives a retirement allowance pursuant to Chapter 55 of Title 16 of the Vermont Statutes Annotated, shall qualify for a seven-year retired educator's license including the endorsements held at the time of retirement, upon submission to the Licensing and Professional Standards Office, documentation showing completion of three professional development credits in each endorsement area to be renewed. An initial retired educator's license can only be issued to educators who hold a valid Level II license at the time of application.

5600 ADMINISTRATIVE BODIES**5610 The Standards Board for Professional Educators (VSBPE)****5610.1 Membership**

The Standards Board for Professional Educators, appointed by the State Board of Education (from a pool of self-nominated and nominated persons), shall be composed of twenty-three members:

| | |
|--|------------|
| Teachers | 12 |
| Administrators | 5 |
| Superintendent (1) | |
| Principal (1) | |
| Director of Special Education (1) | |
| Area Technical Center Director(1) | |
| Administrator at Large (1) | |
| Representative of the Public | 1 |
| School Directors | 2 |
| Representatives of Public and Private Educator Preparation Institutions | 3 _____ |
| Total | 23 |

The Commissioner, or a designee, shall be an ex officio, non-voting member of the VSBPE and the Board shall consider the Commissioner's or the designee's recommendations. A member whose employment status changes during his or her term on the board shall remain on the VSBPE for the duration of the term for which he or she was appointed.

5610.2 Primary Purpose

The primary purpose of the VSBPE shall be to address issues of educator preparation, licensure, and relicensure in order to attract, support, and develop the most effective teachers in the nation. See sections 5610-5611 of these rules.

5610.3 Committees

There shall be three permanent standing committees:

A. Teacher Relicensing

The principal duty of this committee is to oversee the operation of the local standards boards and the local teacher relicensing process. A majority of this committee shall be teachers.

B. Administrator Relicensing

The principal duty of this committee is to oversee the operation of the regional administrator standards boards and the regional administrator relicensing process. A majority of this committee shall be administrators.

C. Higher Education

Principal duties of this committee are:

To oversee the Program Approval Process for educator preparation programs. The process shall include assigning appropriate members to review teams, training members of the review teams, and assisting the VSBPE in reviewing the findings of the review teams;

To assist in coordinating the efforts of higher education to provide in service course work to local Vermont schools.

5610.4 Terms

Terms shall begin July 1 and shall be for three years. Members may be reappointed to consecutive terms but no member may serve more than two terms consecutively.

The VSBPE annually shall elect a member to serve as chair. The chair shall not serve as chair more than two consecutive years.

In the event of mid-term vacancies, a new member shall be appointed as soon as practical by the State Board of Education for a term of three years. Service shall begin upon appointment. For the purpose of determining the number of terms served, the term shall be considered as beginning July 1 of the calendar year in which the appointment is made.

5610.5 Meetings

The VSBPE shall meet at least ten (10) times each year.

5610.6 Allowable Expenses

VSBPE members shall be eligible for reimbursement by the Department of Education for allowable expenses as defined by 32 VSA §§1261. Institutions which employ educator members shall be reimbursed for the cost of substitutes.

Lay members of the VSBPE shall receive a per diem in addition to their expenses.

5610.7 Policy Agenda and Annual Report

The VSBPE shall develop an annual policy agenda in consultation with the Commissioner and the State Board of Education which includes ongoing work and new issues for study. The annual policy agenda will be set by September 1 of each year.

The VSBPE shall submit an annual report to the Commissioner and the State Board of Education.

5610.8 Duties

The duties of the VSBPE include:

1. defining standards for the licensing of educators for adoption by the State Board of Education;
2. issuing interpretive policies regarding these rules.
3. defining high quality, practical professional development that includes, but is not limited to, linking school practioners and higher education;
4. issuing licenses and endorsements to qualified educators and developing policies and procedures under which educator licenses and endorsements are issued.
5. overseeing and monitoring the processes of educator licensing and relicensing;
6. recommending denial, suspension or revocation of a license and/or endorsement(s) as set forth in Section 5700 of these rules;
7. examining issues in educator preparation, licensure and relicensure;
8. developing policies and procedures for the local and regional relicensing process including the operation of local and regional standards boards and for relicensing through the Licensing Office;
9. approving local and regional standards boards' plans of operation and subsequent amendments to the plans.
10. monitoring, promoting, and supporting the effective operations of the local and regional standards boards and local and regional relicensing procedures;
11. evaluating and approving educator preparation programs at the undergraduate and graduate levels;
12. approving and monitoring License by Evaluation Processes described in Section 5330 of these rules.

5611 VSBPE Recommendations to the State Board of Education

The State Board of Education shall act on standards definitions or other recommendations within sixty days of presentation to the State Board by the Standards Board for Professional Educators.

5620 Local Standards Board (LSB)

5621 Establishment and Maintenance

5621.1 A local standards board shall be established and maintained for each of the supervisory unions/districts and the Corrections Education Program .

5621.2 A supervisory union/district may form more than one local standards board or be part of a collaborative board with other supervisory union/districts. Such formations are subject to the approval of the VSBPE.

5621.3 Educational entities, other than supervisory union/districts, that employ licensed educators may establish a local standards board, or a collaborative board, subject to approval by the VSBPE. Such boards shall be subject to all conditions that apply to local standards boards in supervisory unions/districts.

5621.4 Each supervisory union/district, through its superintendent, shall be responsible for facilitating and supporting the local standards board development and operation.

5621.5 Educational entities other than supervisory unions/districts that choose to have a local standards board shall designate a person to be responsible for facilitating and supporting the development and operation of the board.

5622 Primary Purpose

A local standards board shall be established and maintained for the primary purpose of recommending teachers for relicensure. Such recommendations shall be based on an LSB-approved Individual Professional Development Plan (IPDP) and corresponding LSB-approved professional development activities, an LSB-approved professional portfolio, these regulations, standards defined by the VSBPE, and standards set forth in a local plan of operation that has been approved locally and by the VSBPE.

Teachers who also hold administrator endorsements shall renew those endorsements through the local standards board.

5623 Membership

Membership of the LSB shall be composed of not less than five licensed educators. At least a majority of the membership shall be licensed teachers selected by licensed teachers.

5624 Plan of Operation

- 5624.1 Each local standards board shall develop its own plan for operation according to guidelines, policies and procedures established by the VSBPE.
- 5624.2 The plan of operation shall provide that the annual report shall be submitted to the VSBPE on or before a date to be determined by the VSBPE.
- 5624.3 The plan of operation shall be subject to approval by the VSBPE.
- 5624.4 The plan of operation may be amended according to procedures defined in said plan. All amendments shall be subject to approval by the VSBPE.

5625 Reciprocity

Approved Individual Professional Development Plans and corresponding approved professional development activities have reciprocity with local and regional standards boards throughout the state and with the VSBPE when the educator is not under the jurisdiction of a local or regional standards board.

5626 Transfers

- 5626.1 Educators transferring from one Vermont supervisory union/district, or other educational entity with a local standards board, to another shall be responsible for transferring their IPDPs and corresponding professional development records to the new local or regional standards board within six months of employment.
- 5626.2 Educators transferring from out-of-state shall file an approved IPDP with the appropriate local or regional standards board within six months of employment.
- 5626.3 Educators reentering the profession shall file an approved IPDP with the appropriate local or regional standards board within six months of employment.

5627 Volunteer Service

For the purposes of 1 V.S.A. §310(3), a local standards board is an administrative body and is not a board, council or commission, nor a committee or subcommittee of a board, council or commission of a political subdivision of the state. Further, for the purposes of 3 V.S.A. §1101(b)(4), a member of a local standards board is a volunteer for the Vermont State Board of Education and provides services at the request of the State Board and under the direction and control of the State Board and the Standards Board for Professional Educators.

5630 Regional Administrator Standards Board (RSB)

5631 Establishment and Maintenance

A Regional Administrator Standards Board shall be established and maintained in each of five regions in the state. Unless otherwise determined by the VSBPE, the five regions shall be those that correspond to the existing Superintendent regions.

Supervisory union/districts in each region, through their superintendents, shall be responsible for facilitating and supporting the regional standards board development and operation.

5632 Primary Purpose

A regional standards board shall be established and maintained for the primary purpose of recommending administrators for relicensure. Such recommendations shall be based on an RSB-approved Individual Professional Development Plan(IPDP) and corresponding RSB-approved professional development activities, a RSB-approved professional portfolio, these regulations, standards defined by the VSBPE, and standards set forth in a regional plan of operation that has been approved regionally and by the VSBPE.

Administrators who also hold endorsements in fields other than administration shall renew those endorsements through the regional standards board.

5633 Determination of Administrator Status

For relicensing purposes an educator shall be considered an administrator and utilize the services of a Regional Standards Board when the majority of his or her employed time in a school or school district is devoted to direct responsibility for the evaluation and discipline of personnel, the development and management of the curriculum of the school, or supervision or internal management of a school system or school program. When a question arises as to the appropriate standards board to handle an educator relicensing request, the superintendent of schools in the educator's district shall make the determination.

5634 Membership

The membership of a regional administrator standards board shall include a majority of licensed administrators.

5635 Plan of Operation

5635.1 Each regional board shall develop its own plan for operation according to guidelines, policies, and procedures established by the VSBPE.

5635.2 The plan of operation shall provide that the annual report shall be submitted to the VSBPE on or before a date to be determined by the VSBPE.

5635.3 The plan of operation shall be subject to approval by the VSBPE.

5635.4 The plan of operation may be amended according to procedures defined in said plan. All amendments shall be subject to approval by the VSBPE.

5636 Reciprocity

Approved Individual Professional Development Plans (IPDPs) and corresponding approved professional development activities have reciprocity with local and regional standards boards throughout the state and with the VSBPE when the educator is not under the jurisdiction of a local or regional standards board.

5637 Transfers

5637.1 Administrators transferring from one supervisory union/district, or other educational entities with a local standards board, to another shall be responsible for transferring their IPDPs and corresponding professional development records to the new local or regional standards board within six months of employment.

5637.2 Administrators transferring from out-of-state shall file an approved IPDP with the appropriate local or regional standards board within six months of employment.

5637.3 Administrators reentering the profession shall file an approved IPDP with the appropriate standards board within six months of employment.

5638 Volunteer Service

For the purposes of 1 V.S.A. §310(3), a regional administrator standards board is an administrative body and is not a board, council or commission, nor a committee or subcommittee of a board, council or commission, of a political subdivision of the state. Further, for the purposes of 3 V.S.A. §1101(b)(4), a member of a regional administrator standards board is a volunteer for the Vermont State Board of Education and provides services at the request of the State Board and under the direction and control of the State Board and the Standards Board for Professional Educators.

5700 LICENSURE DENIAL, SUSPENSION, OR REVOCATION

5710 Grounds for Denial

A license or an endorsement, or renewal or reinstatement thereof, may be denied on one or more of the following grounds:

1. Failure to meet the conditions for issuance of the license or endorsement, or renewal or reinstatement thereof.
2. Incompetence which is defined as failure to demonstrate the competencies specified in Sections 5235 or 5444 of these rules.
3. Conviction of a criminal offense where the underlying circumstances, conduct or behavior:
 - a) might place a student or students in potential physical or emotional jeopardy or;
 - b) evidences moral unfitness to practice in the profession.

4. Misconduct or unprofessional conduct while on or off duty which is defined as conduct:
 - a) that might place a student or students in potential physical or emotional jeopardy or;
 - b) that evidences moral unfitness to practice in the profession.
5. Falsification, misrepresentation or misstatement of material information provided in connection with the application for licensure or endorsement, or renewal or reinstatement thereof.

5711 Grounds for Suspension or Revocation

A license or endorsement may be suspended or revoked on one or more of the following grounds:

1. Incompetence which is defined as failure to demonstrate the competencies specified in Sections 5235 or 5444 of these rules.
2. Conviction of a criminal offense where the underlying circumstances, conduct or behavior:
 - a) would potentially place a student or students in physical or emotional jeopardy or;
 - b) evidences moral unfitness to practice in the profession.
3. Misconduct or unprofessional conduct while on or off-duty which is defined as conduct:
 - a) that would potentially place a student or students in physical or emotional jeopardy or;
 - b) that evidences moral unfitness to practice in the profession.
4. Falsification, misrepresentation or misstatement of material information provided in connection with an application for licensure or endorsement, or renewal or reinstatement discovered subsequent to issuance thereof.
5. Assignment of duties by a Superintendent to an individual who does not hold the appropriate license or endorsement for the duties assigned.
6. Failure by a principal to report to the Superintendent any allegations about the conduct of an educator which might be grounds under these rules for suspension or revocation of an educator's license or endorsement.
7. Failure by a Superintendent to report to the Commissioner any allegations about conduct of an educator which might be grounds under these rules for suspension or revocation of an educator's license or endorsement.

5712 Additional Requirements for Reinstatement/ Re-application after Suspension or Revocation

- A. In addition to the requirements of Sections 5430 through 5435.6, a license or endorsement that has been suspended or revoked may be reinstated or reapplication granted if:
 - 1. The period of the suspension has passed and any and all conditions that may have been placed on reinstatement/re-application have been satisfied.
 - 2. The educator whose license has been revoked demonstrates, by clear and convincing evidence, that he/she has been rehabilitated.
- B. A license or endorsement, including one that is limited in time, level or scope may be issued by the Vermont Standards Board for Professional Educators subject to terms it deems necessary for ensuring compliance with licensing requirements and professional standards if the license has been suspended or revoked.
- C. If the license was previously revoked, the State Board of Education must approve any reinstatement or a re-licensure in accordance with 5713.1(E).

5713 Due Process Provisions

5713.1 Denial of Licensure or Endorsement or Renewal or Reinstatement

- A. Recommendation for Denial by the Licensing and Professional Standards Office
 - 1. If, after written application, the Licensing and Professional Standards Office, or a local or regional standards board determines that there are reasonable grounds to deny a license, endorsement, or renewal or reinstatement thereof, it shall notify the applicant in writing of the grounds for the recommendation of denial.
 - 2. The Licensing and Professional Standards Office shall provide the applicant with a description of the procedures for appeal of the recommendation for denial of a license or endorsement and explain that the applicant may appeal by writing to the Chair of the VSBPE.
 - 3. The applicant may file an appeal in writing within 30 days of the date of the recommendation for denial. In the case of a recommendation of denial of relicensure or reinstatement following revocation, the appeal shall be to the State Board of Education and the applicant shall submit documentation in support of the appeal in accordance with the standards set forth in Rule 5712(A)(1) or (2).

4. If the applicant does not file an appeal within the applicable time frame, unless he or she can demonstrate to the VSBPE that exceptional circumstances existed for the omission, the license or endorsement(s) shall be deemed denied

B. Recommendation for Denial by Local and Regional Standards Boards

1. Appeal of any recommendation by a local or regional standards board to deny an application for renewal or reinstatement of a license or endorsement(s), after exhaustion of remedies set forth in that standards board's plan of operations, shall be to the VSBPE. The appeal shall be initiated by the educator writing a letter to the Chair of the VSBPE within 30 days of the final recommendation of denial by a local or regional standards board.
2. If the educator does not file an appeal within the applicable time frame, unless he or she can demonstrate to the VSBPE that exceptional circumstances existed for the omission, the license or endorsement(s) shall be deemed denied.

C. Appeal to the Standards Board for Professional Educators

1. The VSBPE, upon appeal by an aggrieved applicant, shall determine whether applicable procedures were followed by the Licensing and Professional Standards Office, the local or regional standards board, and whether there are reasonable grounds for the recommendation of the Licensing and Professional Standards Office, the local or regional standards board. The Chair of the VSBPE may appoint a subcommittee to review the matter and recommend findings and disposition to the VSBPE or the chair may direct the VSBPE to review the matter en banc in accordance with this section. The applicant may be represented by counsel during the appeal.
2. The full VSBPE shall review any recommendations of the Licensing and Professional Standards Office, local or regional standards board, or a subcommittee of the VSBPE as well as any written and oral submissions of the parties, at a regularly scheduled meeting no later than 60 days following the recommendation. If the VSBPE agrees with the recommendation by a majority vote, it shall adopt it. Otherwise the VSBPE may issue its own recommendation with regard to licensure or endorsement.
3. The recommendation of the VSBPE shall be in writing and shall contain the reasons for the recommendation and, if unfavorable to the applicant, give notice to the applicant of the right to appeal the recommendation of the VSBPE to the State Board of Education.
4. Such appeal shall be filed in writing by the applicant within 30 days of the date of the recommendation of the VSBPE. If an appeal is not filed within the applicable time frame, unless the

applicant demonstrates to the VSBPE that exceptional circumstances existed for the omission, the license or endorsement shall be deemed denied.

D. Appeal to the State Board of Education

1. The State Board of Education, upon appeal by an aggrieved applicant, may appoint a hearing officer to conduct a hearing on its behalf and to prepare proposed findings of fact, conclusions of law and a recommended decision.
2. The appeal shall be de novo and shall be conducted in accordance with 3 V.S.A. §801 et seq. and Rules 1232.1 et seq. of the State Board of Education Manual of Rules and Practices. A copy of the hearing officer's proposed findings of fact, conclusions of law and recommended decision shall be mailed to the parties prior to action on the matter by the State Board of Education.
3. The parties shall have the opportunity to file exceptions to the hearing officer's recommended decision, present briefs and engage in oral argument before the State Board of Education pursuant to 3 V.S.A. §811.
4. A final written decision affirming, reversing or modifying the recommendation of the VSBPE shall be issued by the State Board of Education at a regularly scheduled meeting within 60 days of the hearing officer's recommended decision. The decision of the State Board of Education shall be final.

E. If the issue on appeal relates to a denial of a re-application or reinstatement following a revocation, the educator's license may be issued only upon a favorable vote of two-thirds of the members of the State Board of Education. In all other cases, vote shall be by a simple majority.

F. When a denial of renewal is under appeal, the educator may continue to be employed as licensed until a decision is rendered by the State Board of Education.

5713.2 Suspension or Revocation of License or Endorsement

A. Reporting of Conduct

1. Any individual may report to the Commissioner or Licensing and Professional Standards Office any allegations about the conduct of an educator that might be grounds under these rules for suspension or revocation of a license or endorsement. The Commissioner may also consider information from any other source.

2. A principal shall report to the superintendent any allegations about the conduct of an educator that might be grounds under these rules for suspension or revocation of an educator's license or endorsement.
3. A superintendent of schools shall report to the Commissioner or to the Licensing and Professional Standards Office any allegations about the conduct of an educator that might be grounds under these rules for suspension or revocation of a license or endorsement.

B. Investigation

1. The Commissioner, upon receipt of information from any source, that the alleged conduct of an educator, if substantiated, would constitute grounds for suspension or revocation under Rule 5711, may cause an investigation of the alleged conduct to occur.
2. The educator, the superintendent of a school district in which the educator is employed in a public school or has applied for employment, or the headmaster of an independent school in which the educator is employed or has applied for employment shall be notified in writing upon commencement of the investigation. The educator shall be given a reasonable opportunity to provide evidence and be interviewed during the course of the investigation.

C. Commissioner's Recommendation regarding Suspension or Revocation

1. If, after investigation, the Commissioner concludes that there are reasonable grounds to recommend suspension or revocation of an educator's license or endorsement(s), the Commissioner shall notify the educator in writing, with a copy to the Chair of the VSBPE, outlining the grounds for his or her decision.
2. The Commissioner shall provide the educator with a written description of the procedures for suspension or revocation and explain that the educator may appeal the recommendation by writing a letter to the Chair of the VSBPE.
3. The educator shall file the appeal within 30 days of the Commissioner's recommendation. If the educator does not file an appeal within the applicable time frame, unless he or she demonstrates to the VSBPE that exceptional circumstances existed for the omission, the recommended decision of the Commissioner shall be deemed a final decision. The matter shall be forwarded to the State Board of Education for ratification at a regularly scheduled meeting within 60 days thereafter. The educator shall be given notice of the proposed action and may appear at the meeting to address the State Board of Education either directly or through counsel.

4. If after the investigation, the Commissioner concludes that there are not reasonable grounds to initiate a proceeding for suspension or revocation of an educator's license or endorsement, the Commissioner shall dismiss the case without prejudice and notify the educator and any individual who may have brought the matter to the Commissioner's attention.

D. Appeal to the Standards Board for Professional Educators

1. Upon filing of an appeal of the Commissioner's recommendation, the educator shall receive written notice from the Commissioner of the charges, and a summary of the evidence supporting the Commissioner's recommendation. The educator shall have an opportunity to present his/her side of the case to the VSBPE through written and/or oral submissions. The educator may be represented by counsel during the proceedings. The chair of the VSBPE may appoint a subcommittee of the VSBPE to review the matter and recommend findings and disposition to the VSBPE, or the VSBPE may review the matter itself.
2. The subcommittee or the VSBPE shall, after reviewing the written and oral submissions of the parties, determine whether the Commissioner's recommendation was made after following applicable procedures, there were reasonable grounds for the recommendation and the consequences sought are appropriate to the offense, and if so, shall adopt the Commissioner's recommendation. Otherwise, the VSBPE may issue its own recommendation. If the matter is reviewed by a subcommittee, its recommendation shall be acted on by the VSBPE at a regularly scheduled meeting within 60 days of the recommendation.
3. The recommendation of the subcommittee or VSBPE shall be in writing and shall provide the basis for its recommendation. If the recommendation is made by a subcommittee of the VSBPE, the parties shall be permitted to submit written arguments and/or make oral argument before the VSBPE. The VSBPE may adopt the recommendation of the subcommittee or may issue its own recommendation.
4. The educator and the Commissioner shall be sent a copy of the recommendation. If the recommendation is adverse to the educator, there shall be an automatic appeal to the Vermont State Board of Education unless the educator agrees in writing to a waiver of those proceedings. If the Commissioner is aggrieved by the recommendation of the VSBPE, she or he may also appeal the recommendation to the State Board of Education regardless of the action taken by the educator.
5. An appeal by an aggrieved educator to the State Board of Education shall be initiated by the Chair of the VSBPE mailing a copy of the recommendation to the Chair of the State Board of Education within 10 working days of the VSBPE's

recommendation and an appeal by the Commissioner shall be initiated by writing a letter to the Chair of the State Board of Education within 10 working days of the VSBPE's recommendation.

6. If the educator signs a waiver and the Commissioner does not appeal, the recommendation shall be deemed a final decision. The matter shall be presented to the State Board of Education for ratification at a regularly scheduled meeting within 60 days thereafter. The educator shall be given notice of the proposed action and may appear at the meeting to address the State Board of Education either directly or through counsel.

E. Appeal to the State Board of Education

1. The State Board of Education upon notice from the VSBPE or upon appeal by the Commissioner, may appoint a hearing officer to conduct a hearing on its behalf and to prepare proposed findings of fact, conclusions of law and a recommended decision.
2. The appeal shall be de novo and shall be conducted in accordance with 3 V.S.A. §801 et seq. and Rules 1232.1 et seq. of the State Board of Education Manual of Rules and Practices. A copy of the Hearing Officer's proposed findings of fact, conclusions of law and recommended decision shall be mailed to the parties prior to action on the matter by the State Board of Education.
3. The parties shall have the opportunity to file exceptions to the Hearing Officer's recommended decision, present briefs and engage in oral argument before the State Board of Education pursuant to 3 V.S.A. §811.
4. A final written decision affirming, reversing or modifying the recommended decision of the VSBPE shall be issued by the State Board of Education at a regularly scheduled meeting within 60 days of the Hearing Officer's recommendation. The decision of the State Board of Education shall be final.

- F. In the case of suspension or revocation, such action shall not take effect until the appeal to the State Board of Education is decided in accordance with 3 V.S.A. §814(b). However, nothing herein shall be construed to interfere with the authority of the State Board of Education to issue a summary suspension of an educator's license pursuant to 3 V.S.A. §814(c) if the public health, safety or welfare imperatively requires emergency action. In such cases, the State Board of Education shall hear evidence and arguments from the Commissioner at a regular or special meeting and may then vote to summarily suspend the educator's license if warranted. The Commissioner shall ensure that all proceedings are promptly instituted and determined thereafter.

G. Reprimand

In lieu of finding that an educator's license or endorsement should be suspended or revoked, the Commissioner, the VSBPE or the State Board of Education may issue a private or public reprimand. The fact that a private reprimand was issued shall be public information within the meaning of 1 V.S.A. §317 et seq. but the reprimand itself shall not be subject to disclosure.

H. Negotiated Settlement

A negotiated settlement of a licensing action may be entered into between the educator and the Commissioner at any stage of the investigation or proceedings.

I. Surrender of License

At any stage of investigation or proceedings, an educator may surrender a license or endorsement. A surrendered license or endorsement shall be considered to have the same force and effect as a revocation and any re-application or request for reinstatement shall be dealt with in accordance with Sections 5712 and 5713 of these rules.

5714 Reports

1. Revocations, suspensions, surrenders, and denials for cause shall be reported to the National Clearinghouse in accordance with Department of Education policy and procedures.
2. The VSBPE shall receive from the Licensing Office, on an annual basis, a report of licensing actions including revocations, suspensions, surrenders, denials for cause, negotiated settlements, and private and public reprimands.

5800 ADMINISTRATIVE PROVISIONS

5840 Access to License Records

Any person, who makes a request for information shall be informed of the license status of any individual subject to licensure. All other access to licensing records shall be in accordance with the provisions of 1 VSA §315-320. Public records and documents, as that term is defined in 1 VSA §315, shall be made available to the public upon request unless the information is otherwise exempt from disclosure under 1 VSA § 317. This includes public records or documents relating to the final disposition of disciplinary complaints that result from the filing of disciplinary charges by the Commissioner. The suspension or revocation of a license shall be reported to national or regional registries of license/certification of educators after the period of time for appeal has expired and except as provided in Section 5700 of these rules.

Access to licensing records by Department employees is limited to those with work-related needs.

5850 Fees

Each applicant and licensee shall be subject to the following fees:*

- (1) Informal review of credentials or initial processing of application
(applicant shall not be charged for both informal review and processing)
\$35.00 per endorsement review
- (2) Issuance of initial license \$35.00 per year for the term of the license
- (3) Renewal of license \$35.00 per year for the term of the license
- (4) Replacement of license \$10.00
- (5) Bad check charge \$20.00

5900 APPROVAL OF EDUCATOR PREPARATION PROGRAMS

5910 Approval Process Statement of Purpose

Approval by the VSBPE authorizes an institution with an educator preparation program to recommend a person who satisfactorily completes the approved program as eligible for licensure and endorsement.

5911 Approval includes evaluation of two distinct types of portfolios developed through guidelines adopted by the VSBPE:

- 5911.1 The institution shall prepare an Institutional Portfolio that is a Program Assessment and Planning Report, maintained by the institution, that documents the effectiveness of the institution's programs in preparing competent educators, and which also details plans for improvement and innovation in meeting current and evolving standards of best practice in educator preparation.
- 5911.2 An Individual Student Portfolio shall be maintained by the student and shall contain appropriate and sufficient documentation of an individual's competence and growth as a beginning educator including meeting all requirements for licensure.
- 5912 Sections 5920-5950 of these rules govern the implementation of the program approval process. The VSBPE may adopt guidelines for further clarification of this process.

*Licensing fees are established and periodically changed by the Vermont Legislature.

5920 Approval Criteria

5921 The institution's administrative procedures for operating and maintaining approved programs ensure:

- 5921.1 consistency with licensing regulations and consistency with the program approval granted by the VSBPE.
- 5921.2 maintenance and transmittal of records are accurate and timely.
- 5921.3 notification to the Licensing Office, in advance, of any significant change affecting an approved program or administrative procedures.

5922 An educator preparation program shall be approved if all of the following criteria are met:

- 5922.1 The institution maintains an institutional portfolio and requires each student to maintain an individual student portfolio.
- 5922.2 The institution's programs have an operational theme based on up-to-date research and best practices.
- 5922.3 The program clearly defines results expected of students that are consistent with its theme, the "Standards for Vermont Educators: A Vision for Schooling", and state requirements for licensure and endorsement.
- 5922.4 The institution establishes performance criteria for entrance to and exit from its educator preparation programs.
- 5922.5 The institution maintains a student teaching program that meets the requirements of Section 5953 of these rules.
- 5922.6 Faculty and students know what competencies and other requirements are necessary for licensure and endorsement.
- 5922.7 The Cooperating Educators have sufficient orientation and are involved in planning and evaluation of field experiences.
- 5922.8 The institution, in order to continuously improve its programs, conducts follow-up studies of graduates and seeks the opinions of those who have hired recent graduates.
- 5922.9 The institution's program of studies ensures that all of the state's general licensure competencies, specific endorsement competencies, and other licensure requirements are covered for each student in the program.

5923 Student Teaching Requirements

5923.1 Definition

For the purposes of this rule, student teaching means the concentrated field experience required for initial licensure including student teaching, internship, practicum, or other concentrated field experience however named.

5923.2 Except as otherwise provided, all candidates for student teaching shall meet the following qualifications:

- a) Competence in writing, speaking, and mathematics, and mastery of the content area appropriate to the endorsement(s) being sought;
- b) Competence in teaching of reading, implementing the principles of developmental psychology, and teaching in the content area(s) appropriate to the endorsement(s) areas sought;
- c) Academic competence as attested by an overall B average, and a B average in field of major studies as defined by the institution, or written certification of intellectual competence by an academic dean;
- d) Through related course work, completion of a minimum of 60 clock hours of supervised field experience;

5923.3 The placement of student teachers is the responsibility of the institution and shall meet the following requirements:

- a) A minimum of twelve consecutive weeks of student teaching in an educational setting where the student shall gradually assume the full role and responsibilities of a classroom teacher;
- b) The assignment shall be with a licensed educator in an appropriate setting as determined by the school district and training institution. Exceptions shall be documented and submitted to the VSBPE for approval.
- c) A written agreement with the school in which a student teacher is placed outlines the responsibilities of each party;
- d) Cooperating Educators have been trained by the institution in the strategies and methods being taught in the educator preparation program;
- e) The placement process and student teacher expectations are incorporated in a student teaching handbook.

- 5923.4 The supervision and evaluation of student teachers by the institution's faculty shall meet the following requirements:
- a) supervision shall be provided by qualified faculty from the institution's staff including adjunct faculty. An individual shall not serve simultaneously as the Cooperating Educator and as the supervisor from the institution's faculty.
 - b) the institution's supervisors shall observe and advise the student teacher at least once every ten teaching days.
 - c) The institution's supervisors shall not be assigned more student teachers than can be adequately supervised and supported.
 - d) a specific student teaching evaluation process shall be detailed in the student teaching handbook, including collection of data on the student's performance, a process for feedback to the student, and use of the data to provide additional assistance.

- 5923.5 To successfully complete a student teaching program, a student teacher shall achieve at least a grade of "B". Prior to issuing a student teaching grade, the institution shall consider the evaluation by the Cooperating Educator.

5930 Review Process for Program Approval:

- 5931 Unless otherwise specified by the VSBPE, program approval shall be for six years. Said approval, or conditional approval, shall continue until such time as the VSBPE acts otherwise.
- 5932 Each institution with currently approved educator preparation programs shall be notified by the VSBPE at least one year prior to a scheduled program approval review.
- 5933 An institution that wishes to initiate, add, or reactivate an educator preparation program that is not currently approved, shall submit, in advance, a written request for approval to the VSBPE. Approval of new or reactivated programs shall be limited to a two-year conditional approval. An institution that wishes to revise an approved program to meet new standards shall follow the above procedure.
- 5934 An institution shall notify the VSBPE in advance if it intends to significantly alter or discontinue a currently approved program.
- 5935 Each institutional review shall include an evaluation by a review team appointed by the VSBPE. The review team shall:
- 5935.1 include, but not be limited to: one member of the VSBPE, one educator preparation professional and two at-large members. The VSBPE, at its discretion, may alter the composition of the team. The review team Chair shall be appointed by the Standards Board.

- 5935.2 conduct an on-site evaluation that includes review of the Institutional Portfolio and individual student portfolios. At the conclusion of the evaluation, a summary of the review team's evaluation shall be presented in an Exit Interview with the institution's President and/or designees.

5936 Reports and Responses

- 5936.1 The review team shall submit, in writing, a draft report of its findings, which include commendations and recommendations, to the institution. The institution may respond to any factual errors.
- 5936.2 The review team shall submit, in writing, a final report to the Chair of the VSBPE and the report shall be sent to the President of the institution. The report shall include a recommendation for action by the VSBPE. A copy of the report shall be filed with the Commissioner.
- 5936.3 The institution shall respond, in writing, to the Chair of the VSBPE regarding the contents of the report. The response shall include plans to address the recommendations specified in the report of the review team.
- 5936.4 The Chair of the VSBPE shall schedule a meeting of the VSBPE, or committee thereof, at which the chair of the review team shall present the report. Before the VSBPE takes action, the institution shall receive notice and shall be offered an opportunity for hearing.
- 5936.5 The VSBPE shall establish time frames for reports and responses.

5940 Action by the Standards Board for Professional Educators

- 5941 Action by the VSBPE shall be on a program by program basis. However, a finding that an institution's administrative procedures for operating and maintaining approved programs are insufficient shall apply to all programs.
- 5941.1 After review of each educator preparation program offered or proposed by an institution, the VSBPE may take one of the following actions:
- a) grant full approval
 - b) grant conditional approval for a specified time period
 - c) deny approval
- 5941.2 Notwithstanding Section 5931.1 of these rules, approval of all proposed new programs shall be limited to conditional approval
- 5941.3 No later than two years after full approval, the institution shall submit to the VSBPE a report indicating how the institution has addressed the recommendations of the review team. Continuation of full approval for each program is dependent upon satisfactory progress in addressing the recommendations of the review team.

5942 Action subsequent to full or conditional program approval

5942.1 Follow Up Review of Approved Programs

a) Notwithstanding Section 5931.1, the VSBPE may review any approved program during its approval period when there is concern about its continued compliance with program approval requirements.

b) Notwithstanding Section 5931.1, the VSBPE may review programs with conditional approval at any time during the conditional approval period when there is concern about its continued compliance with program approval requirements.

c) Notwithstanding Sections 5925 and 5926 of these rules, follow-up review by the VSBPE may be based on written documentation submitted by the institution and may include a report submitted by one or more individuals assigned by the VSBPE to review the program(s) in question. The review may also include an on-site evaluation.

5942.2 After a follow-up review, the VSBPE may find that:

a) a program that meets requirements shall remain fully approved or a conditionally approved program that has satisfied conditions shall be granted full approval until the next scheduled approval review.

b) a program that does not meet the requirements of its approval may have its approval suspended, revoked, or continued for a specified time period with conditions attached.

5942.3 Before the VSBPE takes action, the institution shall receive notice and be offered an opportunity for hearing.

5950 Appeal of Action by the Vermont Standards Board for Professional Educators

An institution may appeal to the State Board of Education within thirty days after receipt of an adverse action taken by the VSBPE pursuant to Sections 5930 through 5932.3 of these rules. The State Board, after conducting a hearing in accordance with its hearing rules and the provisions of 3 V.S.A. Chapter 25 may affirm, modify or reverse the decision of the VSBPE